

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEFENSE DISTRIBUTED and	§	Case No. 15-CV-372-RP
SECOND AMENDMENT FOUNDATION, INC.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
U.S. DEPARTMENT OF STATE, et al.,	§	
	§	
Defendants.	§	
	§	

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT
FOR THEIR REPLY IN SUPPORT OF THEIR MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 7 and Local Rule CV-7(f)(3), Plaintiffs, Defense Distributed and Second Amendment Foundation, Inc., move for leave to exceed the page limit for their reply in support of their Motion for Preliminary Injunction (Dkt. 7).

Plaintiffs' counsel has conferred with Stuart J. Robinson of the Department of Justice, counsel for Defendants, who does not oppose this Motion for Leave to Exceed Page Limit or the relief sought herein.

Under Local Rule CV-7(f)(3), replies in support of non-dispositive motions are limited to five pages. The Court may, in its discretion, grant leave to a party to exceed the five-page limit and consider the party's brief in its entirety. *See TransCapital Leasing Assocs. 1990-II, L.P. v. United States*, 2006 U.S. Dist. LEXIS 16238, at *3 n.1 (W.D. Tex. 2006) (affording the parties unlimited pages on complex issue). Here, because of the substantial public interest involved, the nature of the relief requested, the complexity of Defendants' unlawful conduct and that of the

governing law, and the length of Defendants' Memorandum in Opposition (Dkt. 32) and the supporting declaration submitted therewith (Dkt. 32-1), it is critical that Plaintiffs be allowed additional pages to fully brief the situation before the Court. Five pages are simply insufficient to reply to Defendants' arguments. Fifteen pages, however, are adequate.

CONCLUSION

For the reasons stated, Plaintiffs respectfully request that the Court grant them leave to exceed the page limits set forth in Local Rule CV-7(f)(3) and ask the Court to consider their reply in support of their motion for preliminary injunction in its entirety.

Dated: June 17, 2015

GURA & POSSESSKY, PLLC

Alan Gura
(Admitted *Pro Hac Vice*)
Virginia Bar No. 68842
Gura & Possessky, PLLC
105 Oronoco Street, Suite 305
Alexandria, Virginia 22314
703.835.9085 / Fax 703.997.7665
alan@gurapossessky.com

Matthew Goldstein
(Admitted *Pro Hac Vice*)
D.C. Bar No. 975000
Matthew A. Goldstein, PLLC
1012 14th Street NW, Suite 620
Washington, DC 20005
202.550.0040/Fax 202.683.6679
matthew@goldsteinpllc.com

Josh Blackman
(*Pro Hac Vice* pending)
Virginia Bar No. 78292
1303 San Jacinto Street
Houston, Texas 77002
202.294.9003/Fax: 713.646.1766
joshblackman@gmail.com

Respectfully submitted,

FISH & RICHARDSON P.C.

/s/ William B. Mateja
William T. "Tommy" Jacks
Texas State Bar No. 10452000
William B. Mateja
Texas State Bar No. 13185350
David S. Morris
Texas State Bar No. 24032877
FISH & RICHARDSON P.C.
One Congress Plaza, Suite 810
111 Congress Avenue
Austin, Texas 78701
(512) 472-5070 (Telephone)
(512) 320-8935 (Facsimile)
jacks@fr.com
mateja@fr.com
dmorris@fr.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on June 17, 2015, and was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(b)(1). Any and all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. Mail and/or electronic mail on June 17, 2015.

/s/ William B. Mateja

William B. Mateja